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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,533	10/30/2003	Alfred T. Rundle	12078-194	7577

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BURNS & LEVINSON, LLP
125 SUMMER STREET
BOSTON, MA 02110

EXAMINER

KRASNIC, BERNARD

ART UNIT	PAPER NUMBER
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2624

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07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/697,533	Applicant(s) RUNDLE ET AL.	
	Examiner Bernard Krasnic	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~as in~~ (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 3-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).
13. ☐ Other: _____.


JINGGE WU
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 6/29/2007 have been fully considered but they are not persuasive.

The Applicant alleges, "(1) The Interview Summary ..." in page 11, "(2) The Interview Summary states ..." in page 11, and "(3) The Interview Summary states ..." in page 11, and states respectively that a profile as Applicants have defined the term in Applicants' Specification is not taught by the prior art references. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a profile as defined in Applicants' Specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant alleges, "III. REJECTIONS UNDER ..." in page 12, and states respectively that an amendment is made to claim 30 to comply with the written description requirement as the Examiner suggested. The Examiner also agrees that the amended step (m) of Applicants' claim 30 is supported by Applicants' Specification. Therefore, the 35 U.S.C. 112, first paragraph rejection has been withdrawn.

The Applicant alleges, "It is submitted that, with respect to independent claims 6 and 11 ..." in page 13, and states respectively that Ryan's suspect database neither anticipates nor makes obvious Applicants' claimed database storing an identifier and an action identifier, along with at least one profile image characteristic. However the Examiner disagrees because as stated in the Examiners Final Office Action, Ryan teaches and discloses the limitation a database (22 and 26) storing data for each one of a plurality of predetermined profiles (see Fig. 9a, col. 4, lines 46-48), the data comprising an identifier / address from the databases 22 and 26, at least one profile image characteristic / addressee from the databases 22 and 26, and an action identifier / suspect harmful mailpiece(s) for diverting (see col. 5, lines 20-65, col. 12, lines 13-18). Therefore Ryan does disclose and teach a database storing data for a plurality of predetermined profiles, that an identifier which is considered to be the address is stored in the database, that the profile image characteristics which are considered to be the different components of the addressee are stored in the database, and that the action identifier which is considered to be the suspect harmful mailpiece(s) action identifier is stored in the database. When the mail piece image characteristic is considered to be suspect harmful mailpiece(s), it is diverted for further processing. Therefore the claim rejections are maintained.

The applicant alleges, "It is submitted that independent claims 1 and 22 ..." in pages 14 -15, and states respectively that Ryan does not include the concept of profiles as Applicants have claimed and described in paragraph 24 of Applicant's Specification and that Sansone does not disclose or suggest Applicant's claimed repeating the step of retrieving another profile because Sansone does not include the concept of a profile as Applicants have defined in for example in paragraph 24 of Applicants' Specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a profile as defined in Applicants' Specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The rejections of claims 1 and 22 in the Final Office Action showed that Ryan discloses the concept of a profile and that Sansone teaches the repetition (see Sansone, Fig. 7) of using predetermined profiles such as the sender name or the recipient name or different image threats that have not yet been used in a comparison when repeating steps c through e (steps c through e are taught by Ryan) as claimed in the Applicants independent claims 1 and 22. The Applicant also states that the Applicants' system is more flexible than Sansone reference. However, Sansone was only used to teach the repetition of using another predetermined profile for comparison when a match has not been made. The combination of Ryan's teachings of profiles and Sansone's teachings in combination allow a more flexible system like the Applicants' claimed invention. Therefore the claim rejections are maintained.

The Applicant alleges, "It is submitted that dependent claims 7, 12, and 23 ..." in pages 15 -16, and states respectively that the identifier and action identifier are not taught or suggested by Ryan or Sansone either separately or in combination. However as discussed above, Ryan does teach the identifier and action identifier. Therefore the claim rejections are maintained.

The Applicant alleges, "It is submitted that step (m) ..." in page 16 and "It is submitted that dependent claim 4 ..." in page 16, and states respectively that Ryan and Sansone either separately or in combination do not teach or suggest repeatedly retrieving other profiles if a comparison profile characteristic does not match a mail piece image characteristic. However as discussed above, Ryan in view of Sansone does teach and disclose this limitation in combination. Therefore the claim rejections are maintained.

The Applicant alleges, "It is submitted that dependent claims 16 and 17 ..." in pages 16-17, and states respectively that the Applicants' claimed remote server having computer readable code that identifies the mail piece as requiring the action identified by the action identifier from the retrieved data is not taught by the combination of Ryan and Bloomfield because Ryan does not disclose an action identified by the action identifier from the retrieved data for the reasons stated previously with respect to claims 7, 12, and 23. However as discussed above, Ryan does disclose an identifier and an action identifier. Therefore the claim rejections are maintained.

The Applicant alleges, "Since none of Ryan, Sansone, Lopez, or Bloomfield ..." in page 17 and "Independent claims 1, 6, 11, and 22 ..." in page 17, and states respectively that claims 1 and 3-30 are "allowable for reasons presented above". However as discussed above, all the claim rejections are maintained and therefore the claims are not in condition for allowance.